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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,891	01/07/2004	Kuldeep Jain	042933/271711	4567
826 7590 07/29/2009 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER HARPER, LEON JONATHAN	
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			2166	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/752,891

Applicant(s)

JAIN ET AL.

Examiner

LEON HARPER

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed on 4/6/2009 has been entered. Claims 1-15, 18, 25, 34-49 have been amended. No claims have been added or cancelled. Accordingly, claims 1-53 are pending in this office action.

Response to Arguments

Applicant's arguments filed 4/6/09, with respect to the rejection(s) of claim(s) 1-53 under the previous grounds of rejection have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly cited combination of references. The rejection is set forth below.

A second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art. Where information is submitted in a reply to a requirement under 37 CFR 1.105, the examiner may NOT make the next Office action relying on that art final unless all instances of the application of such art are necessitated by amendment. See MPEP § 706.07(a).

The independent claims in this case are 1,14, 25, 34, and 43 all of which have been amended substantively and effectively all 53 claims have been amended substantively since all claims depend either directly or indirectly from claims 1, 14, 25, 34, and 43.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

S

Claims 1-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20050131957 (hereinafter Watkinson) in view of 20020120719 (hereinafter Lee).

As for claim 1 Watkinson discloses: Watkinson discloses: a data processing device that executes: a a content engine application in communication with the web server (See paragraph 0030) a memory device having the web server and the content engine application stored therein (See paragraph 0030). Watkinson does not explicitly

disclose a web server that provides for a remote network device to access the mobile terminal via a wireless communication link that provides functional access by the remote network device to one or more devices associated with the mobile terminal . Lee however, does disclose web server that provides for a remote network device to access the mobile terminal via a wireless communication link (See paragraph 0024, 0105) that provides functional access by the remote network device to one or more devices associated with the mobile terminal (See paragraphs 0085-0086), . It would have been obvious to an artisan of ordinary skill in the pertinent at the time the invention was made to have incorporated the teaching of Lee into the system of Watkinson. The modification would have been obvious because the two references are concerned with the solution to problem of managing information contained in mobile terminals, therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan, would have been motivated to combine the cited references since Lee' s teaching would enable users of Watkinson system to take advantage of having html and xml functionality (See Lee paragraph 0036).

As for claim 2 the rejection of claim 1 is incorporated, and further Watkinson discloses: wherein the content engine application provides functional access by the remote network device to one or more databases associated with the mobile terminal (See paragraph 0030).

As for claim 3, the rejection of claim 1 is incorporated, and further Watkinson discloses: wherein the content engine application further provides functional access by the remote network device to one or more mobile terminal services associated with the mobile terminal (See paragraph 0030).

As for claim 4, the rejection of claim 1 is incorporated, and further Lee discloses: wherein the data processing device further executes a display redirect application that provides for redirecting display of accessed devices from the mobile terminal display to a display associated with the remote network device (See paragraph 0099).

As for claim 5, the rejection of claim 1 is incorporated, and further Watkinson discloses: wherein the data processing device further executes a security application that provides secure remote network device access to the one or more mobile terminal devices (See paragraph 0025).

As for claim 6, the rejection of claim 1 is incorporated, and further Watkinson discloses: wherein the content engine application that provides for functional access by the remote network device to one or more mobile terminal devices further defines the one or more mobile terminal devices as one or more mobile terminal devices chosen from the group consisting of a mobile terminal telephone, a mobile terminal camera, a mobile terminal video recorder, a mobile terminal audio recorder and a mobile terminal Global Positioning System (GPS) device (See paragraph 0024).

As for claim 7, the rejection of claim 2 is incorporated, and further Watkinson discloses: wherein the content engine application that provides for functional access by the remote network device to one or more mobile terminal databases further defines the one or more mobile terminal databases as one or more mobile terminal databases chosen from the group consisting of a contact database, a message database, a telephone listing database, a telephone call database, a visual image database, and a calendar event database (See paragraph 0024).

As for claim 8, the rejection of claim 3 is incorporated, and further Lee discloses: wherein the content engine application that further provides for functional access by the remote network device to one or more mobile terminal services further defines the one or more mobile device services as one more mobile terminal services chosen from the group consisting of a messaging service, an entertainment service, and a Mobile Information Device (M1D1et) (See paragraph 0105).

As for claim 9, the rejection of claim 1 is incorporated, and further Lee discloses: wherein the data processing device further executes a search engine application in communication with the content engine application that provides the user of the remote network device the capability to search mobile terminal databases (See paragraph 0051).

As for claim 10, the rejection of claim 1 is incorporated, and further Watkinson discloses: wherein the data processing device further executes a groupware application in communication with the content engine application that provides the remote network device the capability to share, via the communication network, mobile device database information with one or more networked devices (See paragraph 0024).

As for claim 11, the rejection of claim 1 is incorporated, and further Watkinson discloses: a memory module in communication with the content engine that provides the user of the remote network device the capability to store data in the memory module (See paragraph 0030).

As for claim 12, the rejection of claim 1 is incorporated, and further Watkinson discloses: an HTTP push application in communication with the content engine application that provides for information to be pushed from the mobile terminal to the remote network device during an active networking session (See paragraph 0029).

As for claim 13, the rejection of claim 12 is incorporated, and further Watkinson discloses: a motion sensor in communication with the HTTP push application that provides for information to be pushed from the mobile terminal to the remote network device during an active networking session when requisite motion occurs within the mobile terminal (See paragraph 0029).

Claim 25 is a method claim comprising substantially the same limitations of claim 1 and is thus rejected for the same reasons as disclosed in claim 1.

Claim 14 is a method claim comprising substantially the same limitations of claim 1 and is thus rejected for the same reasons as disclosed in claim 1.

As for claim 15, the rejection of claim 14 is incorporated, and further Watkinson discloses: wherein the step of providing for a mobile terminal that implements a content engine further comprises providing for a mobile terminal that implements a content engine that provides access, via the web server, to one or more databases associated with the mobile terminal (See paragraph 0030).

As for claim 16, the rejection of claim 15 is incorporated, and further Watkinson discloses: accessing, at the remote network device, one or more databases associated with the mobile terminal (See paragraph 0030).

As for claim 17, the rejection of claim 16 is incorporated, and further Watkinson discloses: accessing, at the remote network device, one or more databases chosen from the group consisting of phonebook database, electronic mail database, calendar

database, a media file database, a text file database, and contact database (See paragraph 0024).

As for claim 18, the rejection of claim 14 is incorporated, and further Watkinson discloses: wherein the step of providing for a mobile terminal that implements a content engine further comprises providing for a mobile terminal that implements a content engine that provides access, via the web server of the mobile terminal, to one or more device services associated with the mobile terminal (See paragraph 0024).

As for claim 19, the rejection of claim 18 is incorporated, and further Watkinson discloses: the step of activating, at the remote network device, one or more device services associated with the mobile terminal (See paragraph 0030).

As for claim 20, the rejection of claim 19 is incorporated, and further Lee discloses: wherein the step of activating, at the remote network device, one or more devices services associated with the mobile terminal further comprises accessing, at the remote network device, one or more devices services chosen from the group consisting of a messaging service, a Mobile Information Device (MIDlet), a search service and an entertainment service (See paragraph 0105).

As for claim 21, the rejection of claim 14 is incorporated, and further Lee discloses: activating, at the remote network device, a Global Position System device

associated with the mobile terminal for the purpose of locating the mobile terminal (See paragraph 0113).

As for claim 22, the rejection of claim 14 is incorporated, and further Watkinson discloses: wherein the step of accessing, at the remote network device, one or more devices associated with the mobile terminal further comprises the step of activating, at the remote network device, a camera associated with the mobile terminal (See paragraph 0030).

As for claim 23, the rejection of claim 14 is incorporated, and further Watkinson discloses: wherein the step of accessing, at the remote network device, one or more devices associated with the mobile terminal further comprises the step of activating, at the remote network device, a video recording device associated with the mobile terminal (See paragraphs 0024, 0058).

As for claim 24, the rejection of claim 14 is incorporated, and further Watkinson discloses: wherein the step of accessing, at the remote network device, one or more devices associated with the mobile terminal further comprises the step of activating, at the remote network device, a telephone associated with the mobile terminal (See paragraphs 0024,0058).

Claim 25 is a method claim comprising substantially the same limitations of claim 1 and is thus rejected for the same reasons as disclosed in claim 1.

As for claim 26, the rejection of claim 25 is incorporated, and further Lee discloses: wherein managing the mobile terminal further includes the step of displaying at the remote network device the identical display of information provided to the mobile terminal (See paragraphs 0015, 0041, 0046).

As for claim 27, the rejection of claim 25 is incorporated, and further Lee discloses: wherein the step of managing the mobile terminal further includes the step of accessing the applications associated with the mobile terminal to provide diagnostic analysis to the mobile terminal (See paragraph 0113).

As for claim 28, the rejection of claim 25 is incorporated, and further Lee discloses: wherein the step of managing the mobile terminal further includes the step of debugging the mobile terminal by tracing data communicated from the mobile terminal (See paragraph 0113).

As for claim 29, the rejection of claim 25 is incorporated, and further Lee discloses: wherein the step of managing the mobile terminal further includes the step of monitoring the performance of the mobile terminal (See paragraph 0112).

As for claim 30, the rejection of claim 29 is incorporated, and further Lee discloses: wherein monitoring the performance of the mobile terminal further includes the step of monitoring the strength of the wireless signal provided to the mobile terminal (See paragraph 0067).

As for claim 31, the rejection of claim 25 is incorporated, and further Watkinson discloses: wherein the step of managing the mobile terminal further includes the step of monitoring the usage of applications associated with the mobile terminal (See paragraph 0023) .

As for claim 32, the rejection of claim 25 is incorporated, and further Lee discloses: wherein the step of managing the mobile terminal further includes the step of monitoring the usage of devices associated with the mobile terminal (See paragraph 0107).

As for claim 33, the rejection of claim 25 is incorporated, and further Watkinson discloses: wherein the step of managing the mobile terminal further includes the step of modifying the applications associated with the mobile terminals (See paragraph 0029).

Claims 34-38 are computer program products corresponding to the apparatus of claims 1-3,7-8 respectively and are thus rejected for the same reasons as set forth in the rejection of claims 1-3,7-8.

As for claim 39, the rejection of claim 34 is incorporated, and further Watkinson discloses: wherein the second executable instruction configured for providing the accessed remote network device functional access to one or more devices associated with the mobile terminal further comprises a second executable instruction configured for providing the accessed remote network device functional access to a telephone associated with the mobile terminal (See paragraph 0024,0058).

As for claim 40, the rejection of claim 34 is incorporated, and further Watkinson discloses: wherein the second executable instruction configured for providing the accessed remote network device functional access to one or more devices associated with the mobile terminal further comprises a second executable instruction configured for providing the accessed remote network device functional access to a Global Position System (GPS) device associated with the mobile terminal. (See paragraph 0024).

As for claim 41, the rejection of claim 34 is incorporated, and further Watkinson discloses: wherein the second executable instruction configured for providing the accessed remote network device functional access to one or more devices associated with the mobile terminal further comprises a second executable instruction capable of providing the accessed remote network device functional access to a camera associated with the mobile terminal (See paragraph 0030).

As for claim 42, the rejection of claim 34 is incorporated, and further Watkinson discloses: wherein the second executable instruction configured for providing the accessed remote network device functional access to one or more devices associated with the mobile terminal further comprises a second executable instruction configured for providing the accessed remote network device functional access to a video recording device associated with the mobile terminal (See paragraphs 0030,0058).

Claims 43-48 are system claims corresponding to the apparatus of claims 1-3,6-8 respectively and are thus rejected for the same reasons as set forth in the rejection of claims 1-3,6-8.

As for claim 49, the rejection of claim 43 is incorporated, and further Lee discloses: wherein the remote network device including a second data processor device that executes a web browser application that provides access to the web server of the mobile terminal via a network connection, the network connection chosen from the group consisting of Internet, USB, serial port, parallel port, wireless local area network and infrared (See paragraphs 0066, 0089).

As for claim 50 the rejection of claim 1 is incorporated, and further Lee discloses wherein the web server is configured to instruct the data processing device to await the receipt of a HyperText Transfer Protocol (HTTP) request from the remote network device, and wherein the web server application is further configured to instruct the data

processing device to respond to a HTTP request received from the remote network device by communicating an HTTP response to the remote network device (See paragraphs 0039, 0091).

As for claim 51 the rejection of claim 14 is incorporated, and further Lee discloses wherein accessing, at the remote network device, the mobile terminal via a network connection to the web server of the mobile terminal comprises communicating a HyperText Transfer Protocol (HTTP) request to the mobile terminal via the network connection (See paragraphs 0039 and 0091) .

As for claim 52 the rejection of claim 25 is incorporated, and further Lee discloses, wherein accessing, at the remote network device, the mobile terminal via a network connection to the web server executed by the mobile terminal comprises communicating a HyperText Transfer Protocol (HTTP) request to the mobile terminal via the network connection (See paragraphs 0039, 0091).

As for claim 53 the rejection of claim 43 is incorporated, and further Lee discloses wherein the web browser application of the remote network device is configured to provide access to the web server of the mobile terminal by communicating HyperText Transfer Protocol (HTTP) requests to the web server application via the network connection and by receiving HTTP responses from the web server application via the network connection (See paragraphs 0039, 0091).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **LEON HARPER** whose telephone number is (571)272-0759. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH
Leon J. Harper
July 19, 2009

/Isaac M. Woo/
Primary Examiner, Art Unit 2166